

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-148-T - ORDER NO. 2021-480
AUGUST 11, 2021

IN RE: Application of Robert K. Broadwater, Sr. d/b/a Make the Right Move to Amend Its Tariff))))	ORDER APPROVING APPLICATION TO AMEND TARIFF AND BILL OF LADING
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I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) on the Application of Robert K. Broadwater, Sr. d/b/a Make the Right Move (Make the Right Move). Make the Right Move is a holder of a Class E (Household Goods) motor carrier certificate and seeks approval from the Commission to amend its Tariff and Bill of Lading (BOL).

II. FACTS AND PROCEDURAL HISTORY

The Commission originally granted Make the Right Move certification as a Class E household goods motor carrier on February 26, 2013, in Order No. 2013-108, to operate in Aiken, Edgefield, and Saluda Counties. Make the Right Move now seeks permission in this docket to amend its tariff and BOL. More specifically, the company proposes increasing its hourly rates.

Make the Right Move published in full the Notice provided by the Clerk's Office within the timeframe established by the Clerk's Office. The Clerk's Office required Make the Right Move to publish the Notice no later than May 19, 2021, and to provide proof of publication by June 9, 2021. Make the Right Move published the Notice in full in both the *Aiken Standard/The*

North Augusta Star on May 8, 2021, and in *The Edgefield Advertiser* on May 12, 2021, before the deadline of May 19, 2021. Make the Right Move also submitted proof of the publication in a timely manner on May 20, 2021, well before the June 9, 2021 deadline.

The Office of Regulatory Staff (ORS) filed a Notice of Appearance with the Commission on April 29, 2021, noting Lessie Hammonds, Esquire, would appear for ORS. On June 17, 2021, Ms. Hammonds notified the Commission ORS completed its review and provided the Commission with the results of its impact study. The results of the ORS study included a finding Make the Right Move is “in compliance with Commission rules and regulations,” “ORS has received no consumer complaints related to the applicant in the past 12 months,” and “[t]he applicant is in compliance with Annual Report and Gross Receipt filing requirements.” (ORS correspondence dated June 17, 2021).

After noting several concerns with the proposed amendments to the tariff and the BOL, the Commission referred the matter to the Chief Hearing Officer, David Butler, in Directive Order No. 2021-437 dated June 23, 2021 to “obtain clarification from the parties with regard to the Company’s intent in the Packing section of its Tariff, which is ambiguous. The Chief Hearing Officer shall report back to the Commission, and the Commission will once again consider this matter at a later date.”

In Order No. 2021-88-H the Chief Hearing Officer issued a Chief Hearing Officer Directive asking the Applicant to clarify Section 2.5.1 of the Tariff regarding its packing rates and to explain certain references to the people providing moving and packing services in the BOL. The Chief Hearing Officer Directive asked Make the Right Move to respond to the questions in writing by July 6, 2021.

On July 7, 2021, Make the Right Move filed a Revised Final Tariff. On July 13, 2021, Make the Right Move filed a Bill of Lading and a Tariff, addressing the matters the Chief Hearing Officer raised in Order No. 2021-88-H.

On July 14, 2021, the Commission voted to approve the application of Make the Right Move to Amend its Tariff.

III. EVIDENCE OF RECORD

ORS performed an Impact Study and prepared a Tariff Comparison of the currently approved tariffs under which the Make the Right Moves conducts business, the proposed tariffs for which it seeks Commission approval, and the South Carolina Tariff Bureau (SCTB) rates. The Impact Study establishes Make the Right Move seeks to increase its rates by Ten Dollars per hour for both moving and packing labor. ORS indicates all rates are below the SCTB rates. ORS also informed the Commission it had not received any consumer complaints regarding Make the Right Move in the last year and noted the company was in compliance with all ORS filing requirements.

Make the Right Move addressed the questions the Chief Hearing Officer asked by amending its Tariff and BOL to provide clarification to customers.

IV. LAW

The Commission is specifically authorized to regulate carriers of household goods, and to set their rates and charges: “[t]he commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.” S. C. Code Ann. § 58-23-590 (2015).

The Commission is authorized to fix or approve the rates charged by every South Carolina motor vehicle carrier: “[t]he commission shall regulate every motor carrier in this State

and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier The rates once established remain in effect until such time when the commission determines the rates are unreasonable.” § 58-23-1010.

1. The commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.
2. As often as circumstances may require, the commission upon notice and hearing, if deemed necessary, from time to time may change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

Regulation 103-191, S. C. Code of State Regulations (2012).

“Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N . . . shall be just and reasonable.” Reg. 103-192. Once rates are approved, motor carriers are prohibited from charging more or less than the rates specified in lawful tariffs, schedules, or by specific order of the Commission:

[N]o motor carrier operating under a Certificate of PC&N shall charge . . . a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time.

S.C. Code Ann. Regs. 103-198 (2012).

Regulation 103-158 states certificate holders must use a BOL approved by the Commission.

All holders of Certificates of PC&N and FWA, upon receipt of freight, shall issue and deliver, or cause to be issued and delivered, to the shipper a bill of lading or other documentation approved by the commission. A combination bill of lading and freight or expense bill or invoice may be issued if it shows all of the information required in 103-159. All bills of lading shall comply with, be governed by, and have the consequences stated in the Uniform Commercial Code of South Carolina and any other applicable and

effective provisions of the statutes. All carriers, shippers, consignees, and any lease operators involved in a shipment shall keep a copy of the bill of lading for a minimum of three years.

V. FINDINGS OF FACT

After review of the Petition and all of the evidence in the record, the Commission makes the following findings of fact:

1. The Commission previously approved the application of Make the Right Move to receive a Class E (Household Goods) Motor Carrier Certificate on February 26, 2013, in Order No. 2013-108, to operate in the counties of Aiken, Edgefield, and Saluda and to utilize the approved tariff rates set forth in the order.

2. Make the Right Move proposes an increase to its hourly tariff rates in this docket.

3. ORS determined Make the Right Moves is in compliance with all applicable Commission rules and regulations, including the Annual Report and Gross Receipt filing requirements.

4. ORS has not received any consumer complaints about this Applicant in the past twelve months.

5. Make the Right Move addresses the questions the Chief Hearing Officer presented in Order No. 2021-88-H by making changes to the proposed amended Tariff and BOL.

6. After review of the Application and the Impact Study prepared by ORS, we find the proposed tariff hourly rates are just and reasonable.

VI. CONCLUSIONS OF LAW

After review of the Petition and all of the evidence in the record, the Commission makes the following conclusion of law:

1. The amendments to the Tariff are just and reasonable pursuant to S.C. Code Ann. Regs. 103-191 and 192 (2012).

2. The proposed changes to the Bill of Lading are appropriate and shall be approved pursuant to the authority of the Commission set forth in S.C. Code Ann. Regs. 103-158 (2012).

IT IS THEREFORE ORDERED THAT:

1. The Application of Make the Right Move to amend its Tariff is granted.

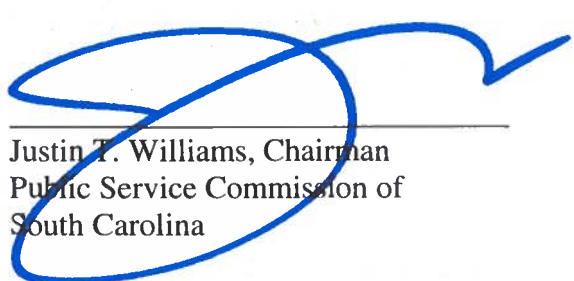
2. The proposed amendments to the hourly rates and other changes are hereby approved, and the Final Amended Tariff is approved. A copy of the Final Amended Tariff is attached hereto as Order Exhibit No. 1.

3. The proposed amendments to the Bill of Lading are approved. A copy of the Final Bill of Lading is attached hereto as Order Exhibit No. 2.

4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:




Justin T. Williams, Chairman
Public Service Commission of
South Carolina

Robert K. Broadwater, Sr.
d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

**REGULATIONS AND SCHEDULE OF CHARGES APPLICABLE TO
CERTAIN INTRASTATE HOUSEHOLD GOODS MOVES WITHIN THE
STATE OF SOUTH CAROLINA**

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Robert K. Broadwater, Sr.
d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

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Robert K. Broadwater, Sr.
d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

Applicability of Tariff

This tariff contains the regulations and rates applicable to the provision of intrastate household goods moved by MAKE THE RIGHT MOVE. These services are furnished between points and places in Aiken, Edgefield, and Saluda counties.

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d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

SECTION 1

1.0 Transportation Charges

Transportation Charges include the hourly rates as listed below.

1.1 Hourly Rates and Charges

Moves will be conducted on a "straight time" basis, with a minimum hourly charge as set out below plus actual travel time. When packing services are required, as part of the move, Make The Right Move will schedule a packing date prior to the moving date. On both the packing day and moving day. The clock starts at the appropriate hourly rate when the Packers/Movers leave the Make The Right Move office location, and the Packers/Movers estimate return time to the office location.

<u>Number of Packers/Movers</u>	<u>Hourly Rate</u>
Two Packers/Movers	\$ 100.00
Three Packers/Movers	\$ 130.00
Four Packers/Movers	\$ 150.00
	\$20.00 per man/per hour

Each Additional Packer/Mover

*On move day, truck is included in hourly rate

1.2 Office Hours / Minimum Hourly Charges:

MAKE THE RIGHT MOVE will operate Monday – Friday, 8:00 am – 6:00 pm and Saturday and Sunday from 8:00am – 4:00pm.

Monday- Friday

Three - Hour Minimum Charge

Saturday- Sunday

Four - Hour Minimum Charge

Recognized Federal Holidays

Three - Hour Minimum Charge

After the minimum hourly charge, the hourly rates are calculated in fifteen-minute increments. Any interim charge is rounded up to the next fifteen-minute increment. If customers cancel within 48 hours of their move, MAKE THE RIGHT MOVE will charge the applicable minimum. Hourly rates are the same, seven days a week, 24 hours a day, in every season of the year. Customers are not charged an additional fee for overtime labor.

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d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

SECTION 2

2.0 ADDITIONAL SERVICES

The following charges shall be assessed in addition to the hourly rates quoted in Section 1 of this tariff, in connection with a move involving additional items:

2.1 Bulky Article Charges (per item)

- Floor Model Television (48" or above) - \$120
- Pool Tables- \$275
- Gun cabinet - \$90
- Steel Gun Cabinet (in excess of 400 lbs.) - \$150
- Hot Tubs, Whirlpools - \$250
- Riding Lawnmowers- \$120
- Freezers - \$90
- Flat Screen Televisions (41" or above) with household goods \$70.00
- Flat Screen Televisions (41" or above) alone \$100.00
- Golf Carts \$150

2.2 Elevator or Stair Carry

MAKE THE RIGHT MOVE does not charge an additional fee for elevator or stair carry, except as specified in Section 2.1 above.

2.3 Excessive Distance or Long Carry Charges

MAKE THE RIGHT MOVE does not charge an additional fee for carrying articles an excessive distance from the motor vehicle.

2.4 Pick Up and Delivery

MAKE THE RIGHT MOVE does not charge an additional fee for making additional pick- ups or deliveries after the initial stop.

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d/b/a MAKE THE RIGHT MOVE

South Carolina Household Goods Tariff

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2.5 Packing and Unpacking

2.5.1 Customers are responsible for purchasing all packing materials.

2.6 Piano Charges

MAKE THE RIGHT MOVE does not move pianos.

2.7 Articles, Special Servicing

The rates and charges in this tariff do not include servicing or connection of appliances such as freezers, refrigerators, computer equipment, washers, dryers, televisions, and similar articles.

2.8 Waiting Time

The Customer is charged the rates specified in Section 1 for all waiting time or delays not at the fault of MAKE THE RIGHT MOVE.

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d/b/a MAKE THE RIGHT MOVE

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SECTION 3

3.0 RULES AND REGULATIONS

3.1 Claims

- 3.1.1** All claims for loss, damage or overcharge must be written and should be attached to the Bill of Lading.
- 3.1.2** Claimant must immediately notify carrier of all claims for concealed damage. MAKE THE RIGHT MOVE must be given reasonable opportunity to inspect damaged items in original packing.
- 3.1.3** Although our movers will be careful with your possessions, from time to time damages may occur. If damages are caused by our service, MAKE THE RIGHT MOVE reserves the right to repair the damage(s) in question. If we determine that damages can not be repaired, we reserve the right to either replace or compensate (actual cash value) for the damage. If there is damage, notify MAKE THE RIGHT MOVE immediately. They will complete a Damage Report before they leave your site. If you discover damage after the move, call the office within 96 hours of your move. No damage claims will be honored until the charges for moving services are paid in full. You will be asked to sign a Release of Liability acknowledging this.

3.2 Computing Charges

MAKE THE RIGHT MOVE rates are computed by multiplying the applicable hourly rate by the time as provided in Section 1.

3.3 Governing Publications

MAKE THE RIGHT MOVE rates and charges are governed by the terms and conditions of this tariff, and the Rules and Regulations of the South Carolina Public Service Commission.

3.4 Items of Particular Value

MAKE THE RIGHT MOVE does not assume any liability whatsoever for documents, currency, credit cards, jewelry, watches, precious stones or articles of extraordinary value including accounts, bills, deeds, evidences of debt, securities, notes, postage stamps, stamp collections, trading stamps, revenue stamps, letters

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South Carolina Household Goods Tariff

or packets of letters, alcoholic beverages, firearms, coin collections, articles of peculiarly inherent or intrinsic value, precious metals or articles manufactured there from. MAKE THE RIGHT MOVE will not accept responsibility for safe delivery of such articles if they come into MAKE THE RIGHT MOVE's possession with or without MAKE THE RIGHT MOVE's knowledge.

3.5 Bill of Lading, Contract Terms, and Conditions

Each customer will be provided with a copy of MAKE THE RIGHT MOVE's Bill of Lading. The terms and conditions of the Bill of Lading, attached hereto, are hereby incorporated by reference.

3.6 Delays

MAKE THE RIGHT MOVE shall not be liable for any damages, delays in transporting household goods resulting from an act of God or fault or neglect of any unforeseen entities.

SECTION 4

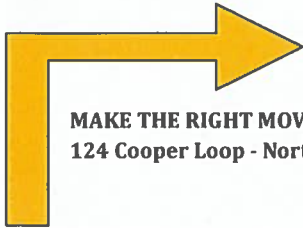
4.0 PROMOTIONS

MAKE THE RIGHT MOVE shall apply the following promotions, in a uniform and nondiscriminatory fashion:

4.1 Military/Senior Citizens

A promotional rate of normal hourly service charges for moving, packing and unpacking items listed below will be applied for customers who are active duty military, disabled veterans, and senior citizens that provide proper proof of same. Extra chargeable items will follow rates in Section 2. 2.1. Moves will be conducted on a "straight time" basis, with a minimum hourly charge as set out below plus actual travel time. The clock starts at the appropriate hourly rate when the movers leave the MAKE THE RIGHT MOVE office location, and the movers estimate return time to the office location. The hourly rates and charges are indicated below:

<u>Number of Movers</u>	<u>Hourly Rate</u>
Two Men and a Truck	\$85.50
Three Men and a Truck	\$114.00
Four Men and a Truck	\$133.00
Each Additional Man	\$19.00 per man/per hour



INVOICE

Bill of Lading # Docket Number 2021-148T

PSC/ORS Certification# 9797

UNIFORM COMMERCIAL GOODS BILL OF LADING AND FREIGHT BILL

MOVING DATE: _____	PACKING DATE: _____	CUSTOMER NAME: _____
FROM _____	TO _____	
ADDRESS _____	ADDRESS _____	
CITY _____	COUNTY _____	STATE _____
TELEPHONE _____	TELEPHONE _____	
MOVE DATE: _____	TIME RECORD: START _____ AM/PM	CUSTOMER INITIALS _____ FINISH _____ AM/PM
PACK DATE: _____	TIME RECORD: START _____ AM/PM	CUSTOMER INITIALS _____ FINISH _____ AM/PM

**NOTE: WE ONLY TAKE CASH ON FRIDAY, SATURDAY AND SUNDAY. NOT RESPONSIBLE FOR ITEMS PACKED BY OTHERS.

RATES AND DESCRIPTION

CHARGES

OTHER	MINIMUM (3.0) HRS INCL TRAVEL TIME MON-FRI / MINIMUM (4.0) HRS INCL TRAVEL TIME SAT-SUN							
MOVING	TWO MOVERS__ HRS @\$110.00 /THREE MOVERS__ HRS @\$130.00 /FOUR MOVERS__ HRS@\$150.00 PER HR PLUS TRAVEL TIME							
PACKING	TWO PACKERS__ HRS @\$110.00/THREE PACKERS__ HRS @\$130.00/FOUR PACKERS__ HRS@\$150.00 PER HR PLUS TRAVEL TIME							
PACKING	PLASTIC WRAP	EACH	BUBBA WRAP	EACH				
PACKING	S/M/L CONTAINERS	SMALL	EACH	MEDIUM	EACH	LARGE	EACH	
PACKING	TAPE						EACH	
PACKING	COMPUTER BOXES						EACH	
PACKING	WRAPPING PAPER						EACH	
MOVING	TV BOXES						EACH	
TOTAL CHARGES								
ADVANCE DEPOSIT								
BALANCE DUE								

IMPORTANT (SIGN HERE BEFORE START OF ANY SERVICE)

<p>PROPERTY VALUATION</p> <p>THIS SHIPMENT IS SUBJECT TO THE RULES AND CONDITIONS OF MAKE THE RIGHT MOVE, TARIFF. THE CUSTOMER HEREBY RELEASES THE ENTIRE SHIPMENT TO A VALUE NOT EXCEEDING \$ <u>.60 cents</u> MAKE THE RIGHT MOVE'S LIABILITIES FOR LOSS & DAMAGE WILL BE .60 CENTS PER LB PER ARTICLE UNLESS A GREATER AMOUNT IS SPECIFIED BY THE CUSTOMER BEFORE THE MOVE TAKES PLACE. THE CUSTOMER (SHIPPER) IS REQUIRED TO DECLARE IN WRITING THE RELEASED VALUE OF THE PROPERTY THE AGREED OR DECLARED VALUE OF THE PROPERTY IS HEREBY SPECIFICALLY STATED BY THE CUSTOMER.</p> <p>CUSTOMER _____</p>	<p>THE SHIPPER, SUBJECT TO AND BASED ON THE RATES, RULES, REGULATIONS, AND CONDITIONS IN MAKE THE RIGHT MOVE'S LAWFULLY PUBLISHED TARIFF HEREBY ORDERS MAKE THE RIGHT MOVE TO FURNISH TRANSPORTATION FACILITIES AND SERVICE DESCRIBED HEREIN SUBJECT TO ALL CONDITIONS HEREIN CONTAINED INCLUDING VALUATION AGREED OR DECLARED AND THE CONDITIONS ON THE BACK HEREOF WHICH ARE HEREBY AGREED TO BY THE CUSTOMER AND ACCEPTED FOR HIMSELF AND HIS ASSIGNS. UNLESS CREDIT ARRANGEMENTS ARE MADE IN WRITING THE CUSTOMER AGREES TO PAY THE CHARGES IN CASH, MONEY ORDER OR CERTIFIED CHECK PRIOR TO COMPLETE DELIVERY.</p> <p>CUSTOMER _____</p> <p>MOVER: _____</p> <p>DELIVERY RECEIPT (EXCEPT AS SPECIFICALLY AND/OR SAID HEREON ALL SERVICES AND ALL ARTICLES RECEIVED IN GOOD CONDITION)</p> <p>CUSTOMER _____</p>
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